

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ANNE E. FIALKOWSKI, Plaintiff,	:	CIVIL ACTION
	:	
	:	NO. 11-5139
v.	:	
DAVID PERRY; SHERRYL R. PERRY; and STANLEY A. METTER., Defendants.	:	
	:	

**ORDER**

AND NOW, this 29th day of June, 2012, upon consideration of defendants' letter/motion to compel plaintiff to produce "certain documents provided to, considered by and relied upon by [plaintiff's] expert, Howard Lapensohn, CPA," dated June 8, 2012, and the related submissions of the parties,<sup>1</sup> for the reasons stated in the Memorandum dated June 29, 2012, **IT IS**

**ORDERED** as follows:

1. Defendants' letter/motion to compel dated June 8, 2012, is **GRANTED** with respect to production of the parts of all requested documents containing "facts or data" that plaintiff's expert reviewed or considered or "assumptions" that the expert relied on in forming the opinions he expressed;
2. Defendants' letter/motion to compel dated June 8, 2012, is **DENIED** in all other respects;

---

<sup>1</sup> The parties have submitted a total of five letters/briefs: (1) defendant Stanley A. Metter's letter/brief on behalf of all defendants, dated June 8, 2012; (2) defendants David Perry and Sherryl R. Perry's supplemental letter/brief, dated June 11, 2012; (3) a joint status report of the parties, dated June 13, 2012; (4) a letter/brief in response to defendants' letters/briefs, dated June 15, 2012; and (5) defendants David Perry and Sherryl R. Perry's reply letter/brief, dated June 18, 2012. Those letters/briefs constitute the record on the discovery issue addressed in this Memorandum and shall be docketed by the Deputy Clerk with the filing of this Memorandum.

3. The Scheduling Order of November 15, 2011, is **AMENDED** to provide that defendants shall serve plaintiff with curriculum vitae and reports and/or responses to expert witness discovery for all expert witnesses on liability and damages on or before July 9, 2012; and

4. Excepting only as noted above, the Scheduling Order of November 15, 2011, continues in effect and shall govern all further proceedings in the case.

**BY THE COURT:**

  
\_\_\_\_\_  
JANE E. DUBOIS, J.